is that of *Rivers* v. *Yazoo etc R. Co.*, 90 Miss. 196, 43 So. 471, that the corporation is liable for the agent's slander spoken while acting within the scope of his employment, and in the actual performance of the duties of the corporation touching the matter in question. Or as the Montana court holds, in *Grorud* v. *Lossl*, 48 Mont. 274, 136 Pac. 1069, in speaking of an act by the agent within the apparent scope of his authority: "and if the act is prompted by fraudulent or malicious motives, the agent's fraud or malice is imputable to the corporation."

CRIMINAL LAW—INFORMATION CHARGING STATUTORY OFFENSE IN TERMS OF STATUTE.—An information charged the accused with committing "the acts technically known as fellatio" made a felony by the California Penal Code of 1915. The defendant was convicted and sentenced to imprisonment. *Held*, that the judgment should be reversed on the ground that "'the acts constituting the offense' were not charged in such a manner as to enable 'a person of common understanding to know what is intended.'" *People* v. *Carrell* (Cal. 1917), 161 Pac. 995.

As a general rule, offenses proscribed and defined by a statute must be charged in the language of the statute, or in language equivalent thereto. *Jackson* v. *State*, 26 Fla. 510, 7 So. 862; *State* v. *Stubbs*, 108 N. C. 774, 13 S. E. 90; *Franklin* v. *State*, 108 Ind. 47; 22 CYC. 336; 11 L. R. A. 530 note. If the statute itself enumerates every ingredient of the offense, then an indictment describing a statutory offense in the very words of the statute is ordinarily sufficient. BEALE, CRIMINAL PLEADING AND PRACTICE, §197; *Pounds* v. *United States*, 171 U. S. 35; *People* v. *Paquin*, 74 Mich. 34, 41 N. W. 852; *State v. Whalen*, 98 Iowa 662, 68 N. W. 554; *State* v. *Bierce*, 27 Conn. 318. In *State* v. *Whalen*, supra, the court sustained a conviction under an indictment, which, following the wording of the statute, charged the accused with "seducing" a certain female. Neither the statute nor the information defined the word "seduce." The conclusion was put upon the ground that "seducing" included all the elements of the offense meant to be charged, and sufficiently informed the accused of the crime alleged. The decision in *State* v. *Bierce* announced the same rule for a similar state of facts. The exceptions to the rule as set forth above are, for the most part, cases in which the words of the statute have a technical legal meaning different from their common meaning. The oddity of the principal case lies in the fact that the Victorian modesty of the legislature has led them to define the crime by a term which has no common meaning, which is not found in any English dictionary, law or lay, and which remains somewhat ambiguous even after reference to the Latin authorities.

EQUITY—CLEAN HANDS.—In order to defeat a judgment in an anticipated suit for divorce and alimony, plaintiff, without consideration, deeded a parcel of land to his mother. He thereafter regained possession of the land and sued her to quiet title. *Held*, plaintiff did not come into court with clean hands, and relief should be denied. *Palmer* v. *Palmer* (Neb. 1917), 161 N. W. 277.

Relief is invariably denied where the party defendant has not participated in the unconscionable conduct, and the instant decision expresses the prevailing view even though defendant is shown to be likewise a wrongdoer. *Boggs* v. *Bright*, 222 Fed. 714; *Cornellier* v. *Haverhill Shoe Assoc.*, 221 Mass. 554, 109 N. E. 643. Assistance has been given in sporadic cases where complainant has seemed the less guilty, and where it would be inequitable, in spite of his wrong, to refuse his prayer. The courts are quick to find, in these instances, that the complainant's wrong does not directly touch the matter in litigation. *Warfield* v. *Adams*, 215 Mass. 506; *Pitzele* v. *Cohn*, 217 Ill. 30, 75 N. E. 392; *Gargano* v. *Pope*, 184 Mass. 571, 69 N. E. 343. Relief has been given in one class of cases which should, on principle, include the one above. Those decisions indicate that where the suit is in its nature defensive, the maxim of "clean hands" is not applicable. *Lord Portarlington v. Soulby*, 3 Mylne & Keen 104; *Newman* v. *Franco*, 2 Anstruther 519. A suit to quiet title is substantially of that sort. The marketability of the property is impaired, and consequently its present value is diminished by the possibility that the claim constituting the cloud may some time be asserted in court. It is the gist of complainant's prayer that he be permitted to anticipate this assertion, and to offer his defense at once.

EVIDENCE—READING MEDICAL BOOKS TO JURY ON CROSS-EXAMINATION OF EXPERTS.—A passenger sued for personal injuries received through the negligent management of defendants' train; defendants introduced medical experts who testified that the plaintiff's injuries were simulated. In the cross-examination of these medical experts, the court permitted plaintiff's counsel to read to the jury excerpts from acknowledged standard medical authorities, to which the witnesses had not made reference in their direct examination. *Held*, that the excerpts were properly read; this being an exception to the general rule which forbids the reading of books of inductive science as affirmative evidence of the facts treated of. *Scullin et al.* v. *Vining* (Ark. 1917), 191 S. W. 924.

The instant case stands practically without support on the proposition that excerpts from standard medical authorities, on which the witness has not based his opinion, may be read to the jury as evidence. There is a marked difference between reading what is in a book as evidence to a jury, and reading excerpts from books to the witness for the purpose of testing his knowledge on the subject treated. In one case the mere opinion of a scholar is offered as evidence without opportunity to cross-examine him. In the other the opinion of the expert is tested by the opinions of other experts. Apparently the court was confused. It decided that excerpts might be read to the jury as evidence, when it apparently intended to decide only that excerpts from authorities on which the witness had not based his opinion might be read to the witness, for the purpose of testing his knowledge. The cases agree that when an expert has based his opinion on a particular authority, the counsel on cross-examination may read an excerpt from that authority, and ask for his views upon it. See *Bloomington* v. *Schrock*, 110 Ill. 219, 51 Am. Rep. 678; *Clark* v. *Commonwealth*, 111 Ky. 443, 63 S. W. 740.